



# Public Infrastructure Environmental Code Project

Facilitating public improvement projects

**DISCUSSION DRAFT**

April 2025



THE BUREAU OF  
**PLANNING &  
SUSTAINABILITY**

# LANGUAGE ACCESS

The City of Portland is committed to providing meaningful access.

To request translation, interpretation, modifications, accommodations, or other auxiliary aids or services, contact 503-823-7700, Relay: 711.

Traducción e Interpretación | Biên Dịch và Thông Dịch | अनुवादन तथा व्याख्या | 口笔译服务 | Устный и письменный перевод | Turjumaad iyo Fasiraad | Письмовий і усний переклад | Traducere și interpretariat | Chiaku me Awewen Kapas | 翻訳または通訳 | ການແປພາສາ ຫຼື ການອະທິບາຍ | الترجمة التحريرية أو الشفهية

[www.portland.gov/bps/accommodation](http://www.portland.gov/bps/accommodation)

# Acknowledgments

## Portland City Council

### District 1 Councilors

Candace Avalos  
Jamie Dunphy  
Loretta Smith

### District 2 Councilors

Dan Ryan  
Elana Pirtle-Guiney  
Sameer Kanal

### District 3 Councilors

Angelita Morillo  
Steve Novick  
Tiffany Koyama Lane

### District 4 Councilors

Eric Zimmerman  
Mitch Green  
Olivia Clark

## Portland Planning Commission

Michael Alexander, Wade Lange, Mary-Rain O'Meara (Chair), Nikesh Patel, Michael Pouncil (Vice Chair, Steph Routh, Eli Spevak, and Erica Thompson (Vice Chair)

## City Administration

Keith Wilson, Mayor  
Michael Jordan, City Administrator  
Donnie Oliveira, Deputy City Administrator

## Bureau of Planning and Sustainability

Eric Engstrom, Interim Director  
Patricia Diefenderfer, Chief Planner  
Jeff Caudill, Supervising Planner  
Daniel Soebbing, City Planner II, Project Manager  
Shannon Buono, Senior Planner, Code Editor

### *Contributing staff:*

Derek Miller, Principal Information Systems Analyst  
Aster Moulton, Communications Specialist

## Inter-bureau Coordination Team

Emma Kohlsmith, Senior Water Resources Planner, Bureau of Environmental Services  
Ethan Brown, Water Resources Planner, Bureau of Environmental Services  
Marie Walkiewicz, Senior Planner, Bureau of Environmental Services (Retired)  
Stephanie Beckman, Supervising Planner, Permitting and Development  
Morgan Steele, Senior Planner, Permitting and Development  
Timothy Novak, Environmental Planner, Permitting and Development  
Angie Kimpo, Environmental Regulatory Coordinator, Water Bureau  
Kim Kosmas, Senior Fire Inspector, Fire and Rescue  
Laura Lehman, Senior Planner, Parks & Recreation  
Brian Landoe, Strategy and Planning Manager, Urban Forestry  
Marisol Caron, Senior City Planner, Permitting and Development

This page is intentionally blank

# Table of Contents

<b>Section I</b>	<b>Introduction.....</b>	<b>7</b>
<b>Section II:</b>	<b>Zoning Code Amendments.....</b>	<b>15</b>
33.430,	Environmental Zones .....	17
33.430.080,	Items Exempt From These Regulations .....	19
33.430.130,	Permit Application Requirements .....	23
33.430.140,	General Development Standards .....	25
33.430.150,	Standards for Utilities .....	31
33.430.160,	Standards for Land Divisions and Planned Developments .....	35
33.430.170,	Standards for Resource Enhancement Projects .....	37
33.430.175,	Standards for Right of Way Improvements .....	39
33.430.185,	Standards for Flood, Water, and Sewage Control Facilities .....	41
33.430.230,	Procedure .....	43
33.430.250,	Approval Criteria .....	43
33.430.430,	Notice Procedure.....	45
33.465,	Pleasant Valley Natural Resources Overlay Zone .....	49
33.465.130,	Permit Application Requirements .....	49
33.465.430,	Notice Procedure.....	49
33.475,	River Overlay Zones .....	55
33.475.405,	Items Exempt From These Regulations .....	55
33.475.440,	Development Standards .....	55



# Section I: Introduction

## Purpose

The primary purpose of the Public Infrastructure Environmental Code Project is to amend the requirements of the Environmental Zones chapter of the zoning code (33.430) to better address needed improvements to existing public infrastructure, as well as address future infrastructure projects expected throughout the city in the coming years. This project also includes a number of minor amendments that apply to tree replacement, site enhancement options, noticing requirements and other activities. Some minor amendments to the River Overlay Zone (33.475) and Pleasant Valley Natural Resources Overlay Zone (33.465) to maintain consistency in regulations across the City's environmental zones.

## Project Summary

The Environmental Overlay Zones (33.430), River Overlay Zone (33.475) and Pleasant Valley Natural Resources Overlay Zone (33.465) are applied in different areas of the city and are intended to ensure development impacts to natural resources identified in the City's Natural Resources Inventory are addressed. Existing criteria, known as standards, within these Zoning Code chapters allow environmentally sensitive development to occur within these overlay zones. Development that cannot meet standards, for example setting development back a minimum distance from rivers, streams and wetlands or limiting tree removal below an established level, is subject to a discretionary environmental land use review.

When development or redevelopment is proposed near sensitive natural resources, it is often subject to environmental review. As a part of environmental land use review, applicants must conduct an alternatives analysis to identify options that minimize impacts to natural resources. When avoidance isn't possible, mitigation is required to address impacts. Environmental reviews can be complex, lengthy and expensive but they frequently lead to more beneficial outcomes, such as a more compact site design or less impactful building layouts.

Public infrastructure serves vital functions, including water delivery, waste treatment and flood protection. Parts of these systems are decades old and long overdue for replacement. Modern safety standards, building codes and increased capacity needed to serve population growth mean that these structures have to be expanded or enlarged during replacement. Additionally, climate change has made our region more susceptible to potential natural disasters, such as wildfires and flooding, which increases the urgency of on-going maintenance and upgrades to public infrastructure.

Many public infrastructure facilities, such as pump stations and flood control structures, are located in low lying areas near protected waterbodies, or in protected forested natural areas. These facilities are also often located on small parcels or within easements surrounded by natural resources with little room to change the building location or orientation. As a result of this limited flexibility, many of the expected benefits of environmental review are often not achievable because, for example, alternative layouts for development are not

possible. As a result, the process can result in additional expense and delay without additional benefit.

The proposed Public Infrastructure Environmental Code Project amendments aim to minimize delays and avoid the additional expense of environmental review by allowing standards to be met, where appropriate. The proposed amendments will still ensure that development impacts are addressed through onsite or offsite tree replacement, resource enhancement and restoration.

Amendments are proposed in the following categories and are summarized below:

1. Pump Stations and Flood Control Structures Amendments
2. Natural Area Management Amendments
3. Tree Removal and Replacement Amendments
4. Miscellaneous technical amendments

### **Pump Stations and Flood Control Structures Amendments**

The first category of amendments addresses pump stations and flood control structures. Pump stations and flood control structures frequently need to be located near waterbodies, where ezones are often applied. In Portland, many of these structures were built decades ago and are in need of upgrades or replacement. When replacement occurs, the size and capacity of these structures often need to be increased to serve population and economic growth and to address the effects of climate change. Currently, there are no standards for replacement of these facilities and Environmental Review is required. In these situations, alternatives to the current location are often limited and replacement and/or expansion is frequently approved due to the public benefit these structures provide. As a result, the requirement for a discretionary Environmental Review results in additional process and cost without significant benefit. The code that applies to the ezones already acknowledges the special importance of public infrastructure through the inclusion of provisions that allow projects that provide a public benefit to be built in areas where private development would not be permitted.

This project includes a set of narrowly tailored amendments that apply to the replacement or alteration of existing pump station and flood control structures. The standards limit the amount of disturbance that is allowed and modifies requirements for site enhancement and tree replacement to offset impacts to natural resources. There are also provisions that allow flexibility in how public entities and public utilities can carry out site enhancement requirements that are intended to offset the impacts of development in environmentally sensitive areas. Site enhancement can either be carried out on the site where the impacts are proposed, or through off-site resource enhancement projects. In some cases, these offsite resource enhancement projects may be used to substitute for onsite plantings, when the resource enhancement has been approved through an environmental review.

Additionally, pump stations are added to a list of items that are processed through Type II Environmental Reviews. Existing code requires any pump station replacement or upgrade in the Environmental Protection overlay zone that cannot meet standards to be processed through a



Type III process. The Type III process does not allow for an administrative approval by staff, instead requiring a public hearing before the Hearings Officer before approval. Type III processes typically apply to large, complex projects that benefit from a more comprehensive review to resolve adjustments to requirements in multiple Zoning Code chapters and may require the imposition of conditions and requirements for associated public improvements. These types of complicating factors rarely arise for pump station projects, which are relatively discrete in size, have minimal offsite impacts and are generally straightforward, not needing adjustments to Zoning Code requirements and the like.

The Type II process is a more appropriate process for these types of public infrastructure projects, which commonly offer little opportunity for review staff to discretionarily require applicants to alter development proposals due to site constraints that are typically associated with pump station locations, and the public will benefit if these projects can be completed quickly and at a minimum expense. Therefore, it is preferable and appropriate to subject pump station infrastructure projects to Type II review processes which are more expedited and less expensive than a Type III process.

### **Amendments for Natural Area Management**

The second set amendments address the management of natural areas. These amendments include allowances for the installation of devices that manage the impact of beavers, the thinning of trees to promote specific habitat types and to prevent tree overcrowding, the installation of low impact floating structures that provide above-water, vegetated wetland habitat in locations where it is infeasible or impractical to do onshore resource enhancement, and allowances for cultural harvesting of vegetation in natural areas by groups that have formal arrangements with either the Bureau of Environmental Services or Portland Parks & Recreation.

Existing ezone directives would require land use review for these activities even though their aim is to restore and/or improve habitat, or to conduct traditional harvesting activities that are, by their nature, sustainable and intended to not permanently damage the environment. In recognition of the effects of these actions on natural resources, these amendments aim to streamline a small number of natural area management activities.

### **Tree Removal and Replacement**

A third group of amendments proposes changes to (1) tree removal allowances that would limit the number of trees that can be removed by standards in development situations, (2) the requirement to retain large diameter pieces of wood on site, (3) tree removal requirements around City infrastructure that is located in areas of increased wildfire risk, and (4) how the revegetation fee is calculated and administered, as well as clarification and standardization of when the revegetation fee is eligible to be used in lieu of on-site tree replacement.

## **Miscellaneous Technical Amendments**

### **Noticing Procedures**

Amendments are proposed that would remove public noticing and review procedures that apply to development that meets all applicable standards (and is therefore not subject to land use review). This type of noticing requirement is unnecessary because public input cannot be taken into account when standards are met. Standards are clear and objective criteria that do not allow for interpretation by City staff.

Furthermore, there is a separate set of noticing and site posting requirements that apply to all sites that are in Chapter 33.705. These noticing procedures are triggered by provisions in the base zones that apply whenever development is proposed that exceeds 10,000 square feet in building coverage. These separate noticing procedures are not affected by the proposed amendments and they will continue to apply to all development that exceeds the 10,000 square feet area threshold, whether or not the proposed development is in an Environmental overlay zone.

### **ADU Setbacks**

This amendment allows a reduction in the minimum front and street setback for accessory dwelling units to any distance between the minimum that is specified in the code chapter that pertains to accessory dwelling units (33.205) and zero feet. This change allows for more compact site development, allowing for development that avoids trees and is setback from water features. The change also brings the front setback standards for ADUs into alignment with the front setback standards for primary structures and garages, which were already eligible for front setback reductions on sites that contain ezones under existing code.

### **Right-of-Way Improvements**

Several minor amendments are proposed to the development standards and established exemptions that apply to right-of-way improvements:

- A clause is added to the exemption for development of public streets and sidewalks within existing rights-of-way that clarifies that the exemption does not apply if the disturbance area for the improvement extends outside of the right-of-way.
- Setback requirements near waterbodies and the protection zone and the limit on total disturbance area for roadway improvements are narrowed to only apply in the resource area of the ezones. This change brings the standards for right-of-way improvements into alignment with the general development standards.

## Summary of Ezone Code Amendments

The table below summarizes each of the proposed amendments in this package. More detailed descriptions of the proposed amendments are provided below the table.

#	Name	Proposed Amendment	Code Section	Page #
1	Incorporate Reference to Urban Flood Safety and Water Quality District	Replace existing references to drainage districts, Multnomah County Drainage District, MCDD, Peninsula Drainage District #1, and Peninsula Drainage District #2 to "Urban Flood Safety and Water Quality District." These previous drainage districts have recently been consolidated into a State of Oregon-designated entity now referred to as the Urban Flood Safety and Water Quality District.	Throughout	19 37 41
2	Allow for Replacement of Structures in the Flood Safety District	Add replacement of flood control structures to list of exempted activities allowed to be carried out by the Urban Flood Safety and Water Quality District. Replacement is not exempt whenever coverage or utility size is increased.	33.430.080.D.6 33.430.080.D.6.c	19 21
3	Vegetation Maintenance by the Flood Safety District	Establish some vegetation maintenance activities on levees outside the floodway as exempt from code requirements.	33.430.080.D.6.b	21
4	Exempt the Removal of Dead, Dying, and Dangerous Trees from ezone Requirements when Associated with Development	Previously, the exemption for the removal of trees that are dead, dying, or dangerous in environmental overlays only applied in situations where no other development was proposed. This restriction is removed.	33.430.080.D.7.a	21
5	Narrow the Large Wood Retention Requirements	Add exceptions to requirements to retain large diameter pieces of wood on site for properties with a limited area of ezones.	33.430.080.D.7.a.(1) 33.475.440.K.4.b	21 57
6	Allow Tree Thinning on Sites Owned or Managed by the City.	Exempt the removal of trees that are less than six inches in diameter in city-owned or City-managed sites when the work is conducted by Bureau of Environmental Services or Parks & Recreation staff. Selective removal of trees can help to prevent overcrowding or propagate specific habitat types.	33.430.080.D.7.a(6)	21
7	Cultural Harvesting	Exempt the harvesting or removal of vegetation by groups that have received prior authorization from BES or PP&R.	33.430.080.D.12 33.475.405.L.3	23 55
8	Public Street and Sidewalk Improvements	Clarify that the exemption to improve public streets and sidewalks within existing rights-	33.430.080.E.2	23

#	Name	Proposed Amendment	Code Section	Page #
		of-way does not apply if the disturbance area extends outside the right-of-way.		
9	Flow Control Devices	Exempt the use of habitat modification methods in waterways, which are non-lethal methods to manage beaver impacts.	33.430.080.E.13 33.475.405.W	23 55
10	Marking Proposed Development on Site	The requirement to mark proposed development on site is moved from section 33.430.430 to 33.430.130. This move is being made because site inspections are being deleted from 33.430.430. A new requirement to submit photos of markings will substitute for site inspection.	33.430.130.B.9 33.465.130.B.6	23 49
11	Site Enhancement Amendment	Site enhancement per Table 430-2 is required when applicants propose to make alterations to existing development within existing disturbance areas. One of the options in the table is to pay a revegetation fee in lieu of onsite enhancement. The term, "on the site" is deleted from this standard to recognize the fee in lieu option, which will support off site resource enhancements.	33.430.140.D.2.b(2)	25
12	Tree Removal Limit	Reduce the total diameter inches of native trees that are allowed to be removed through development standards from a combined total of 225 inches to 175 inches. This change will make the native tree removal limit more consistent with the number of replacement trees that can reasonably be planted on a typical site.	33.430.140.J.1.b; 33.430.160.F.1	25 35
13	Revegetation Fee	The revegetation fee is amended to assign responsibility for oversight and fee administration to Portland Parks & Recreation and to clarify how it is calculated when it is used for tree replacement. Standards that allow tree removal with replacement are amended throughout Chapter 33.430 to specify when applicants are required to do onsite tree replacement (Option A or Option B) and when applicants may choose either onsite replacement or the fee-in-lieu (Option C). Option C is a new compliance option that is being added to Table 430-3 to clarify the revegetation fee that must be paid when it is used in lieu of tree replacement. Previously, the code allowed applicants to pay the fee for tree replacement, but the code lacked clarity on the specifics of how the fee should be determined.	Table 430-2, Option 4; Table 430-3, Option C (fee-in-lieu) 33.430.140.K; 33.430.140.J 33.430.150.A.5.b; 33.430.160.F 33.430.170.D 33.430.180.C; 33.430.185.E.3	25 27 29 31 33 35 37 39 41 43

#	Name	Proposed Amendment	Code Section	Page #
14	ADU Setback	Amend language to allow for setbacks to be modified for ADU construction on sites that contain ezones, similar to existing allowances for other development.	33.430.140.N 33.475.440.O.4.b	31 57
15	Wildfire Hazard Tree Removal	Allow the removal of trees that are located within 30 feet of specified types of infrastructure that perform critical life and property safety functions in Wildfire Hazard Zones. Applicants must replant trees per the ratios in Table 430-3. Trees can be planted onsite or a fee-in-lieu can be paid.	33.430.150.B	35
16	Tethered Floating Structures	Add standards to allow the installation of tethered floating structures covered in vegetation to provide floating wetlands as habitat for birds and other species.	33.430.170.C	37
17	Right-of-Way Setbacks and Disturbance Area Limits	This amendment narrows the application of disturbance setbacks from wetlands and waterbodies and limits total disturbance area of roadway improvements to only apply in the resource area. This makes the Standards for Right-of-Way Improvements more consistent with the General Development Standards.	33.430.175.B 33.430.175.F	39
18	Stormwater Swale Vegetation	Remove the requirement to plant stormwater swales in the right-of-way with native vegetation. Native vegetation does not perform well in this application.	33.430.175.C	39
19	Standards for Flood, Water, and Sewage Control Facilities	Sewage pump stations are added to the types of facilities that can use this set of standards. In addition, the standards are broadened significantly to reduce restrictions on the types of alterations that are allowed, to expand the types of structures that may be altered, to increase the amount of area that may be disturbed, to allow for limited tree removal, and to allow for offsite resource enhancement completed in advance to meet site enhancement requirements.	33.430.185	41 43
20	Review Procedure for Pump Stations and Flood Control Structures	Specify that approval of pump stations is processed through a Type II Environmental Review and establish appropriate Environmental Review criteria for pump stations and flood control structures.	33.430.230.B.1 33.430.250.A 33.430.250.A.1	43 45
21	Notice and Review Procedure	Remove notice and public review requirements for development that meets standards. Standards do not allow for PP&D staff to incorporate input received from the public into approval decisions. These	33.430.430 33.465.430	45 47 49 51 53

#	Name	Proposed Amendment	Code Section	Page #
		requirements are generally duplicative of procedures that are already required for all large-scale development.		
22	Replacement of Structures in Flood Areas	Narrow the exemption for replacement of structures in the River 'e' overlay zone to exclude replacement within the combined flood hazard area. This amendment remedies an oversight from the Floodplain Resilience Plan, which was adopted in October of 2023.	33.475.405.D	55

## Section II: Zoning Code Amendments

This section presents amendments to the Zoning Code. The section is formatted to facilitate readability by showing code amendments on the right-hand (odd) pages and related commentary on the facing left-hand (even) pages.

How to read these amendments:

- Language to be added is show in underline.
- Language to be deleted is show in ~~striketrough~~.

---

---

## Commentary

### Table of Contents

The titles of sections 33.430.150 and 33.430.185 are amended. The change to the title of 33.430.150 reflects the addition of standards for tree removal around specified types of basic utility infrastructure in wildfire hazard zones. See commentary on page 26.

The change to the title of 33.430.185 is made because the section is being expanded to address both flood control structures and sewer pump stations. See commentary on page 36.



## 33.430 Environmental Zones

430

### Sections:

#### General

- 33.430.010 Purpose
- 33.430.015 Purpose of the Environmental Protection Zone
- 33.430.017 Purpose of the Environmental Conservation Zone
- 33.430.020 Environmental Reports
- 33.430.030 Relationship to Other Environmental Regulations
- 33.430.033 Relationship to Scenic Resources Zone
- 33.430.035 Other City Regulations
- 33.430.040 Overlay Zones and Map Symbols
- 33.430.050 Subareas of Environmental Zones
- 33.430.060 Where These Regulations Apply
- 33.430.070 When These Regulations Apply
- 33.430.080 Items Exempt From These Regulations
- 33.430.090 Prohibitions

#### Development Standards

- 33.430.110 Purpose
- 33.430.120 Procedure
- 33.430.130 Permit Application Requirements
- 33.430.140 General Development Standards
- 33.430.150 Standards for ~~Utility Lines~~ Utilities
- 33.430.155 Standards Septic Systems
- 33.430.160 Standards for Land Divisions and Planned Developments
- 33.430.165 Standards for Property Line Adjustments
- 33.430.170 Standards for Resource Enhancement Projects
- 33.430.175 Standards for Right-of-Way Improvements
- 33.430.180 Standards for Stormwater Outfalls
- 33.430.185 Standards for ~~Certain Flood, and Water, and Sewage~~ Control Facilities
- 33.430.190 Standards for Public Trails
- 33.430.195 Standards for Tree Removal in the Scenic Resources Zone

#### Environmental Review

- 33.430.210 Purpose
- 33.430.220 When Review is Required
- 33.430.230 Procedure
- 33.430.240 Supplemental Application Requirements
- 33.430.250 Approval Criteria
- 33.430.260 Use of Performance Guarantees
- 33.430.270 Special Evaluation by a Trained Professional
- 33.430.280 Modification of Base Zone Development Standards

#### Natural Resource Management Plans

- 33.430.310 Purpose
- 33.430.320 Scope

---

---

## Commentary

### 33.430.080.D.6

This amendment does two things:

- First, the amendment adds reference to Oregon Revised Statutes (ORS) 550 and Urban Flood Safety and Water Quality Districts. ORS 550 was recently adopted by the state legislature to replace existing drainage districts with the newly established Urban Flood Safety and Water Quality District. The amendment is necessary because multiple drainage districts, including the Multnomah County Drainage District, Peninsula Drainage District 1, and Peninsula Drainage District 2 have been consolidated into a single entity that is now referred to as the Urban Flood Safety and Water Quality District.
- Second, the amendment allows for the replacement of flood control structures in addition to operation, repair, and maintenance. This exemption only applies when coverage or utility size does not increase. Many flood control structures are aging or substandard and in need of replacement. This exemption will encourage replacement that avoids additional impacts to natural resources. A corollary amendment is also proposed for the standards in 33.430.185 to allow expansions of flood control structures or replacements that increase building coverage.

- 33.430.330 Procedure
- 33.430.340 Components
- 33.430.350 Approval Criteria for Adoption and Amendment

Corrections to Violations of This Chapter

- 33.430.400 Purpose
- 33.430.405 Correction Options
- 33.430.407 Recurring Violations of This Chapter

Notice and Review Procedure

- 33.430.410 Purpose
- 33.430.420 When These Regulations Apply
- 33.430.430 Procedure

Map 430-1 Environmental Overlay Zone Map Correction Project Area

Map 430-2 Columbia Corridor Industrial and Environmental Mapping Project Area

Map 430-3 East Buttes, Terraces and Wetlands Conservation Plan Area

Map 430-4 Johnson Creek Basin Protection Plan Area

Map 430-5 Northwest Hills Natural Areas Protection Plan Area

Map 430-6 East Columbia Neighborhood Natural Resources Management Plan Area

Map 430-7 Peninsula One Natural Resources Management Plan Area

Map 430-8 Forest Park Natural Resources Management Plan Area

Map 430-9 Middle Columbia Corridor/Airport Natural Resources Inventory  
Environmental Mapping Project Area

Map 430-10 Bank Reconfiguration and Basking Features Area

**33.430.080 Items Exempt From These Regulations**

The following items, unless prohibited by Section 33.430.090, below, are exempt from the regulations of this chapter. Other City regulations such as Title 10, Erosion Control, and Title 11, Trees, must still be met.

**A.-C.** [No Change]

**D.** Existing development, operations, and improvements, including the following activities:

1.-5. [No Change]

- 6. Operation, maintenance, ~~and repair, and replacement~~ of drainage facilities, flood control structures, and conveyance channels that are managed by Urban Flood Safety and Water Quality District as defined by ORS 550~~Drainage Districts as defined in ORS 547~~, and where the activity is conducted or authorized by the ~~Drainage~~ District. This exemption does not apply if dredge spoils are placed onto the top of banks of the drainageway, or onto portions of the environmental overlay zone above the ordinary high water mark. Operation, maintenance, ~~and repair, and replacement~~ of drainage facilities include:

---

---

## Commentary

### **33.430.080.D.6.b**

This amendment allows for the clearance of vegetation on levees. Existing language in 33.430.080.D.7 allows for limited vegetation maintenance activities but does not allow for the removal of native vegetation.

### **33.430.080.D.7.a**

This amendment removes the limitation that dead, dying or dangerous trees can only be removed when no other development is proposed. Currently, there is no allowance for dead, dying and dangerous trees to be removed when development is proposed and the proposal meets the general development standards.

### **33.430.080.D.7.a.(1)**

This amendment modifies the requirement to retain pieces of wood that are more than 12 inches in diameter to apply only to sites with more than 3,000 square feet of resource area. This change is made because it is often difficult to retain large pieces of wood on sites that have a relatively small amount of environmental zoning. In some cases, the requirement has resulted in wood piles taking up most of the resource area on a site.

### **33.430.080.D.7.a.(6)**

This amendment adds an exemption to allow City staff to remove small trees from Environmental zones on sites that are City owned or managed. Tree thinning is used to reduce crowding and promote specific habitat types within natural areas.

- a. Dredging and channel cleaning below the ordinary high water mark and vegetative maintenance within the minimum floodway cross-section of drainageways;
  - b. The following vegetative maintenance when conducted on levees outside the minimum floodway cross section:
    - (1) Mowing of grass and forbs; and
    - (2) Removing or pruning trees that are less than 6 inches in diameter, and removing or pruning other plants.
  - ~~c.b.~~ Operation, maintenance, ~~and repair, and replacement of drainage d~~ District pump stations, water control structures, ~~or and levees;~~ Replacement is not exempt whenever coverage or utility size is increased;
  - ~~d.e.~~ Reconfiguring the cross-section of drainage channels below the ordinary high water mark, or changing the location of the low flow channel within a wider drainage channel; and
  - ~~e.d.~~ Stabilizing banks and restoring levees back to original condition and footprint;
7. Removing or pruning the following trees and plants:
- a. Trees. The following trees may be removed or pruned. Subsubparagraphs D.7.a(2) through (5) only apply if no development or other activities subject to the regulations of this chapter are proposed, and a All removal or pruning activities ~~are~~ must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site. Permanent erosion control, such as replanting areas of bare soil must be installed after removal or pruning:
    - (1) Dead, dying, diseased, or dangerous trees, or portions of trees, when they pose an immediate danger as determined by the City Forester or an arborist. On sites 7,000 square feet or larger in area, all sections of wood more than 12 inches in diameter must remain or be placed in the resource area of the site on which they were cut or within a commonly-owned environmental resource tract. These sections of wood are not required to remain when:
      - The site contains only transition area; ~~or~~
      - The site contains less than 3,000 square feet of resource area; or
      - The City Forester authorizes removal of diseased wood because it will threaten the health of other trees;
    - (2)-(5) [No change]
    - (6) Native trees that are less than 6 inches in diameter and located on sites that are owned or managed by the City of Portland may be removed if the work is carried out by the Bureau of Environmental Services or Portland Parks & Recreation using handheld equipment.
  - b. [No change]
- 8.-11. [No change]

---

---

## Commentary

### **33.430.080.D.12**

The Bureau of Environmental Services and Portland Parks & Recreation both have a process to allow groups and individuals to conduct traditional cultural practices involving the harvesting of native vegetation on City owned land. This amendment acknowledges those approved activities and ensures that, when allowed, they are exempt from the regulations of the Environmental overlay zones.

### **33.430.080.E.2**

This exemption is being amended to clarify that it only applies if both the proposed development and associated disturbance area are entirely within the right of way. If any portion of the disturbance extends outside of the right of way, no part of the proposed right of way improvement is exempt. This amendment codifies the current practice and is consistent with how the code has been applied in recent Environmental Review decisions.

### **33.430.080.E.13**

This amendment adds an exemption that will allow for the installation of devices that limit the negative impacts of beavers on infrastructure and property without the need to remove beavers. Flow control devices, pond levelers, and other habitat modification techniques are humane options for coexistence with beavers, allowing the environmental benefits that beavers provide while avoiding damage. Because these devices are typically installed within the banks of waterbodies, they cannot meet standards. Without this exemption, habitat modifications would be subject to Environmental Review. The requirement to complete Environmental Review might discourage property owners from using these methods, which could negatively impact infrastructure and property and result in more beaver removal. The BES Beaver Management Plan can be accessed at the following URL: <https://www.portland.gov/bes/documents/city-portland-beaver-management-plan-best-management-practices/download>

### **33.430.130.B.9**

This section, which requires applicants to mark disturbance areas, tree removals, and remediation areas is moved from 33.430.430. In addition to the relocation of this section, it is also being modified to add a requirement to submit photographs of the fencing and tape. This change is being made because site inspections that were previously required in 33.430.430 are being eliminated.

12. Removing or pruning trees and plants on City owned land as approved by a vegetation harvesting agreement with the Bureau of Environmental Services or Portland Parks and Recreation;

**E.** The following new development and improvements:

1. [No change]
2. Public street and sidewalk improvements meeting all of the following. This exemption does not apply if any of the disturbance area for the improvements extends outside of the public right-of-way:
  - a. Improvements must be within a public right-of-way used by truck or automobile traffic; and
  - b. Streets and sidewalks must not exceed the minimum width standards of the Bureau of Transportation Engineering.

3-12. [No change]

13. Vegetation maintenance and habitat modification methods as described in the Bureau of Environmental Services *Beaver Management Plan*. All installation and maintenance must be carried out using handheld equipment;

**F.** [No change]

**33.430.130 Permit Application Requirements**

A building permit or development permit application that is reviewed for compliance with the standards of this chapter requires more information than a permit not affected by these provisions. The information in Subsections A and B must be submitted with permit application plans. Submission of the information in Subsection C is optional.

**A.** [No changes]

**B.** Proposed development plan including:

1.-8. [No change]

9. Marking proposed development on site. The applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material. Photographs that clearly depict the location of fencing and tape must be included in permit application materials.

**C.** Additional photographs of the site are not required but are encouraged to supplement the existing conditions site plan.

---

---

## Commentary

### **33.430.140.D.2.b(2)**

The site enhancement options (Table 430-2) include options to replant area on the site of the development or to pay a revegetation fee. The revegetation fee is used to plant vegetation on a City-owned site. This amendment deletes language that can be read to imply the site-enhancement must be completed on site because one option is an off-site option.

### **33.430.140.J.1.a and b**

This amendment removes redundant language. Standard J applies within resource and transition areas as specified in the introductory language to 33.430.140.

### **33.430.140.J.1.b**

This amendment reduces the allowance for native tree removal from 225 diameter inches to 175 diameter inches. The amendment right sizes the allowance for removal with the replanting ratios specified in Table 430-3. Portland Permitting & Development staff have observed that the number of trees required to be replanted for removal of between 175 and 225 inches of native trees is generally more than can be accommodated on most development sites. If there isn't room on the site for the required number of replacement tree, then Environmental Review is required. Reducing the allowance to 175 inches establishes a more realistic threshold for applicants expecting to be able to meet standards.



### **33.430.140 General Development Standards**

The standards below apply to all development in the environmental zones except as follows:

- Utilities subject to Section 33.430.150;
- Septic systems subject to Section 33.430.155;
- Land divisions subject to Section 33.430.160;
- Property line adjustment subject to Section 33.430.165;
- Resource enhancement projects subject to Section 33.430.170;
- Rights-of-way improvements subject to Section 33.430.175;
- Stormwater outfalls subject to Section 33.430.180;
- Flood and water control facilities subject to Section 33.430.185;
- Public recreational trails subject to Section 33.430.190; and
- Tree removal in scenic resources zone subject to Section 33.430.195.

Standards A through C and G through S apply to new development in the resource area. Standards D through S except L apply to alterations to existing development in the resource area. Only standards E, J, K, N, Q, R, and S apply to new development and alterations to existing development in the transition areas. All of the applicable standards must be met.

#### **A.-C.** [No change]

#### **D.** For alterations to existing development, one of the following must be met:

1. [No change]
2. If the existing disturbance area now exceeds the limitations of Table 430-1, alterations are allowed within the existing disturbance area if the following are met:
  - a. The existing disturbance area may not be expanded; and
  - b. Increases in building coverage and exterior improvement area are allowed if:
    - (1) The increase is located outside of the combined flood hazard area. This standard does not apply within the IH, IG2 and EG2 zones; and
    - (2) A site enhancement option is completed ~~on the site~~. Applicants must show that an area equivalent in size to at least 50 percent of the area proposed for development will be enhanced following one or more of the options described in Table 430-2. If the proposed development is less than 100 square feet, the minimum enhanced area will be 50 square feet.

#### **E.-I.** [No change]

#### **J.** Tree removal and replacement standards.

1. Removal of native trees is allowed as follows:
  - a. Trees that are removed ~~from resource and transition areas~~ must be replaced as shown in Table 430-3. Trees less than 6 inches in diameter do not have to be replaced.
  - b. ~~In resource and transition areas, the combined total diameter of all trees removed may not exceed 175 inches, counting only native trees that are at least 6 inches in diameter;~~ The combined total diameter of all trees removed may not exceed 225 inches, counting only native trees that are at least 6 inches in diameter;

---

---

## Commentary

### **33.430.140.J.4**

This standard is deleted because the addition of Option C to Table 430-3 makes this standard redundant. Column C of Table 430-3 specifies how the revegetation fee is to be assessed when applicants opt to pay the fee in lieu of onsite tree replacement.

- c. In resource areas, the removal of native trees is allowed only as follows~~may be removed only if one of the following is met:~~
  - (1) Within 10 feet of existing or proposed buildings and structures attached to buildings, such as decks, stairs, and carports;
  - (2) Within 10 feet of proposed driveways or right-of-way improvements; or
  - (3) To create up to 500 square feet of permanent disturbance area for uses such as gardens and play area.
2. Non-native non-nuisance trees may be removed if each tree at least 6 inches in diameter is replaced as shown in Table 430-3;
3. Trees listed on the Nuisance Plants List may be removed, if each tree at least 6 inches in diameter is replaced with one native tree; and
4. ~~For replacement of non-native trees, applicants may pay a revegetation fee as described in Table 430-2 in lieu of planting on the site. The fee is based on the number of trees required under Table 430-3, Option A.~~

---

---

## Commentary

### Table 430-2

This table is a menu of options that applicants may choose from when site enhancement is required. Options 1, 2 and 3 are onsite options. Option 4 is a fee that may be paid in lieu of site enhancement. Option 4 is being amended to transfer responsibility for administration of the fee in lieu, which is known as the Revegetation Fee, from the Bureau of Environmental Services to Portland Parks & Recreation.

### Table 430-2, Option 4, Revegetation Fee

These amendments shift the revegetation fee administration duties to Portland Parks & Recreation instead of the Bureau of Environmental Services. Given each bureau's priorities and programs, the shift to Parks & Recreation will provide greater opportunity to ensure the success of off-site tree planting and revegetation efforts. Portland Parks & Recreation's Urban Forestry program already has significant expertise and experience in managing tree planting and administering and collecting tree planting funds. Portland Parks & Recreation is well-suited for the task of calculating, collecting, and utilizing the Revegetation Fee to ensure effective off-site site enhancement.

### 33.430.140.K

The amendment acknowledges that tree replacement requirements may be met by paying a fee in lieu. When applicants opt to pay the fee, the requirements in this subsection do not apply.

<b>Table 430-2</b> <b>Minimum Site Enhancement Options</b>	
<b>Option</b>	<b>Action</b>
Option 1 Restoration Planting	Remove plants listed on the Nuisance Plants List. Plant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 2 Impervious Surface Reduction	Remove impervious surface to improve stormwater management, and replant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants must be a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 3 Parking Lot Retrofit	Replace existing interior parking lot landscaping with a vegetated infiltration basin using native plants. The minimum planting ratio for this option is one tree and two shrubs for every 50 square feet of planting area, and groundcover plants to cover the remaining area, planted on 12-inch centers. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants a minimum pot size of 4 inches. Enhancements must be approved by the Bureau of Environmental Services as meeting the Stormwater Management Manual, and must also comply with parking lot landscape requirements of this Title.
Option 4 Revegetation Fee	<p>Pay a revegetation fee.</p> <ol style="list-style-type: none"> <li>1. Fee use and administration. The revegetation fee is collected by PP&amp;D and is administered by the <del>Bureau of Environmental Services</del><u>Portland Parks &amp; Recreation</u>. The fees collected are used for revegetation projects on public or private property within the same watershed as the site.</li> <li>2. Calculation of required fee contributions. Applicants must contribute the cost to purchase and plant trees, shrubs, and groundcover plants as set out in 3. below. The cost to purchase and plant trees and plants will be adjusted annually as determined by the Director of <del>BES</del><u>Portland Parks &amp; Recreation</u> based on current market prices for materials, labor, and maintenance.</li> <li>3. Required fee contribution. The applicant must contribute the following revegetation fee before a building permit will be issued: <ul style="list-style-type: none"> <li>- The cost to purchase, plant, and maintain one tree, two shrubs, and 7 groundcover plants for every 50 square feet of planting area;</li> <li>- The fee calculation will be rounded up to the next multiple of \$10; and</li> <li>- The minimum area to be used in this calculation is 50 square feet. Calculations that are not a multiple of 50 will be rounded up to the next multiple of 50.</li> </ul> </li> </ol>

- K. Except when the fee-in-lieu of tree replacement is paid, ~~R~~replacement trees must be at least one-half inch in diameter; shrubs must be in at least a 1-gallon container or the equivalent in ball and burlap. All trees and shrubs must be selected from the *Portland Plant List* and planted on the site within the environmental zone. Conifers must be replaced with conifers and shrubs must consist of at least two different species;

---

---

## Commentary

### Table 430-3

Column C is added to specify the revegetation fee increment that applicants must pay when they choose the fee in lieu option for tree replacement. This option may be used when applicants propose to remove trees according to the provisions of 33.430.140.J.1.a, 33.430.140.J.2, 33.430.150.A.5.b, 33.430.150.B.2, 33.430.180.C, or 33.430.185.E.3. The fee in lieu option cannot be used when standards specify that tree replacement must be conducted per the requirements of Option A or B in Table 430-3. The revegetation fee is administered and calculated by Portland Parks & Recreation, as described in Table 430-2 Option 4.

### 33.430.140.N

This amendment allows the front and street setbacks required for accessory dwelling units to be reduced. Reducing setbacks allows development to minimize impacts to natural resources without the need for an adjustment review. Existing code already allows building setbacks to be reduced on front and street setbacks. This change will now allow accessory dwelling units to take advantage of the same setback reductions.

### 33.430.150

This section is renamed "Standards for Utilities." Previously, the section only applied to private connections to existing utility lines and upgrades of existing public utility lines. The title is being changed to reflect the fact that new standards are being added that allow for the removal of trees around specified types of structures that are basic utility use.

All of the provisions of the existing standard are being consolidated into subsection A. A new subsection B is being added to address the tree removal allowances around specified public infrastructure.

**L.-M.** [No change]

<b>Table 430-3</b> <b>Tree Replacement in Environmental Overlay Zone</b>			
Size of tree to be removed (inches in diameter)	Option A (no. of native trees to be planted)	Option B (combination of native trees and shrubs)	Option C ( <u>fee-in-lieu</u> )
At least 6 and up to 12	2 [1]	not applicable	<u>An amount equal to 1 increment of the revegetation fee [3]</u>
More than 12 and up to 20	3	1 tree and 3 shrubs [2]	<u>An amount equal to 1 increment of the revegetation fee [3]</u>
More than 20 and up to 25	5	3 trees and 6 shrubs	<u>An amount equal to 3 increments of the revegetation fee [3]</u>
More than 25 and up to 30	7	5 trees and 9 shrubs	<u>An amount equal to 5 increments of the revegetation fee [3]</u>
More than 30	10	7 trees and 12 shrubs	<u>An amount equal to 7 increments of the revegetation fee [3]</u>

Note:

[1] Within the combined flood hazard area located outside of the IH, IG2 and EG2 zones, Option A requires at least 3 native trees to be planted.

[2] Option B is not applicable within the combined flood hazard area except on lots zoned IH, IG2 or EG2.

[3] The fee-in-lieu of on-site tree replacement uses the Revegetation Fee described in Option 4 of Table 430-2. One increment is equal to the cost to purchase, plant, and maintain one tree, two shrubs, and 7 groundcover plants for a 50 square foot area.

**N.** Minimum setbacks may be reduced as follows:

1. The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to any distance between the base zone minimum and zero;
2. The minimum detached and connected accessory dwelling unit setback of 33.205.040.C.2 may be reduced to any distance between the minimum and zero; and
3. Parking spaces may be allowed within the first 10 feet from a front lot line, and within a minimum side street setback;

**O.-S.** [No Changes]

**33.430.150 Standards for Utilities ~~Utility Lines~~**

~~The following standards apply to private connections to existing utility lines and the upgrade of existing public utility lines. All of the standards apply in the resource area. Only standard E applies in the transition area.~~

- A. The following standards apply to private connections to existing utility lines and to the upgrade of existing public utility lines. All of the standards apply in the resource area. Only standard A.5 applies in the transition area.
  1. The disturbance area for private connections to existing utility lines is no greater than 10 feet wide;

---

---

## Commentary



- 2B. The disturbance area for the upgrade of existing public utility lines is no greater than 15 feet wide;
- 3C. The utility construction does not occur within a stream channel, identified wetland, or water body;
- 4D. Disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:
  - a1. Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet;
  - b2. The remaining area must be planted with native groundcover using a minimum of four inch pots at a density of 8 plants per ten square feet; and
  - c3. Below the top of bank on slopes greater than 30 percent or in riprap areas, live stakes, 2 to 12 inches in diameter, may be substituted for the requirements of D.1 and D.2 above. Stakes must be installed at a density of 2 to 4 stakes per square yard. Detailed specifications for installing live stakes are found in the Erosion Control Manual.
- 5E. Tree removal and replacement standards are as follows:
  - a1. Native trees more than 12 inches in diameter may not be removed. Each native tree more than 6 but less than 12 inches in diameter that is cut must be replaced as shown in Option A of Table 430-3;
  - b2. Non-native non-nuisance trees may be removed, if each tree 6 or more inches in diameter is replaced as shown in Table 430-3;
  - c3. Trees listed on the Nuisance Plants List may be removed if each tree 6 or more inches in diameter is replaced with one tree;
  - d4. Replacement trees and shrubs must meet the planting standards in 33.430.140.K; and
  - e5. Where a utility line is approximately parallel with the stream channel at least half of the replacement trees must be planted between the utility line and the stream channel, except where a utility easement precludes tree planting.
- 6F. Exemption. If a proposed utility line or upgrade to a utility line runs through an area that has already been approved as a disturbance area, or allowed by the standards of this chapter, it is exempt from Subsections A.1, BA.2, and DA.3.

---

---

## Commentary

### **33.430.150.B**

This standard will allow City bureaus to remove trees within 30 feet of water tanks, water pumps, sewage pump stations, electrical substations, and emergency communications infrastructure within or adjacent to Wildfire Hazard Zones. These facilities and structures contain sensitive components that could be damaged by heat or fire. In the event of a wildfire, these facilities are a critical component of Portland's firefighting infrastructure. The permitted clearing of trees, with tree replacement, in the area immediately adjacent to these structures will reduce the likelihood that this infrastructure will be damaged by wildfires and will help ensure that the water supply can be maintained to sustain firefighting capacity. Existing standards allow the clearance of trees within 10 feet. Clearance of additional area between 10 and 30 feet provides a greater safety margin. A map of Wildfire Hazard Zones was adopted by City Council in 2003 (Ordinance No. 177433). The map may be amended according to the criteria described in Chapter 24.51 of Portland City Code.

### **33.430.160.F.1**

The limit on native tree removal is reduced from 225 cumulative diameter inches per lot to 175 cumulative diameter inches per lot. This change is made because many sites lack sufficient space to meet tree replanting requirements. The reduction in the tree removal limit will reduce the amount of trees that can be removed to a number that may more feasibly be replanted on a site.

**B.** The following standards apply to tree removal and replacement near publicly owned and operated water towers and reservoirs, water and sewer pump stations, electrical substations, and emergency communications broadcast facilities.

1. Trees located within 30 feet of publicly owned and operated water towers and reservoirs, water and sewer pump stations, electrical substations, and emergency communications broadcast facilities may be removed when the water tower, reservoir, water or sewer pump station, electrical substation, or emergency communications broadcast facility is located in:
  - The Wildfire Hazard Zone; or
  - A right-of-way that is within 100 feet of a Wildfire Hazard Zone.
2. Trees that are not listed as nuisance species in the Portland Plant List that are removed must be replaced as shown in Table 430-3. Trees listed on the Nuisance Plants List that are removed must be replaced one for one with native trees. Trees less than 6 inches in diameter do not have to be replaced.

**33.430.160 Standards for Land Divisions and Planned Developments**

The following standards apply to land divisions and Planned Developments in the environmental overlay zones. All of the standards must be met.

**A.-E.** [No change]

**F.** Tree removal is allowed as follows:

1. Native trees. In residential zones, the combined total diameter of native trees cut may not exceed ~~225~~175 inches per lot, counting only native trees that are at least 6 inches in diameter. In all other zones, native tree removal is limited to the boundaries of the approved disturbance area. Native trees must be replaced as shown in Table 430-3, Option A or B;
2. Non-native non-nuisance trees. Non-native non-nuisance trees may be removed, but must be replaced as shown in Table 430-3, Option A or B; and
3. Nuisance trees. Trees listed on the Nuisance Plants List may be removed, but must be replaced. Each tree 6 or more inches in diameter must be replaced with one native tree.

**G-K.** [No change]

---

---

## Commentary

### **33.430.170.A.1**

This paragraph is being amended to reflect the consolidation of the drainage districts into the Urban Flood Safety & Water Quality District.

### **33.430.170.B.1**

This paragraph is being amended to reflect the consolidation of the drainage districts into the Urban Flood Safety & Water Quality District.

### **33.430.170.C**

This subsection is being added to allow for the installation of tethered, floating, vegetated structures, also known as “constructed floating ecosystems,” that are intended to create habitat for important wildlife species such as salmon and steelhead. These structures are tethered to the shore and are intended to float in areas outside of the navigational channel. The installations are designed to move up and down with fluctuating water levels. The current standards for resource enhancement projects preclude installations such as this because the standards do not allow development within the banks of identified waterbodies.

### **33.430.170 Standards for Resource Enhancement Projects**

Environmental Zones The following standards apply to resource enhancement projects in the environmental zones. The applicant for projects that will take place within the area shown on Map 430-10 may choose to meet all of the standards of subsection A, all of the standards of subsection B, ~~or~~ all of the standards of subsection C, or all of the standards of subsection D. Applicants for projects that will take place outside the area shown on Map 430-10 must meet all of the standards in subsection C or subsection D.

- A. Bank reconfiguration.** The following standards apply to bank reconfiguration projects that take place in the Bank Reconfiguration and Basking Features Area shown on Map 430-10. Slough and drainageway banks, which are the area between the ordinary high water mark and the top of bank, may be regraded when all of the following are met:
1. The activity is conducted or authorized by the Urban Flood Safety and Water Quality District ~~Multnomah County Drainage District #1 or Peninsula Drainage District #2~~;
  - 2.-4. [No change]
  5. Trees or snags, 6 inches or greater in diameter, that are removed landward of the new top-of-bank must be replaced and meet the following:
    - a. Each tree or snag, 6 inches or greater in diameter, removed must be replaced as specified in either Option A or Option B in Table 430-3 ~~Tree Replacement~~;
    - b.-e. [No change]
- B. Basking features.** The following standards apply to the placement of large wood or large rocks as basking features for wildlife in the Bank Reconfiguration and Basking Features Area shown on Map 430-10. The placement of large wood or large rocks as basking features for wildlife within the Columbia Slough, Whitaker Slough, Buffalo Slough, Peninsula Canal, or other drainageways or identified wetlands is allowed when all of the following are met:
1. The activity is conducted or authorized by the Urban Flood Safety and Water Quality District ~~Multnomah County Drainage District #1, Peninsula Drainage District #2~~ or the City of Portland Bureau of Environmental Services;
  - 2.-6. [No change]
- C. Tethered floating features.** The following standards apply to the installation of tethered floating wetland features. Installation of these features is allowed when all of the following are met:
1. The activity is conducted or authorized by the Urban Flood Safety and Water Quality District, as defined by ORS 550, or the City of Portland Bureau of Environmental Services;
  2. No native trees are removed and no non-native non-nuisance trees are removed within the combined flood hazard area;
  3. Disturbance areas must be replanted so that the area achieves a 90 percent vegetation cover within one year;
  4. Installation of anchors or mounting hardware for tethers is conducted using hand-held equipment only; and
  5. Other than the installation of anchors or mounting hardware for tethers, there is no excavation or fill;

---

---

## Commentary

### **33.430.175.B**

This amendment narrows the application of setbacks and limits on disturbance area. They now only apply in the resource area. This standard currently applies in both the resource area and the transition area. This makes the application of these standards more consistent with similar sections of the *General Development Standards* (33.340.140). Consistency is important because right-of-way improvements often are proposed in conjunction with site development. This change will eliminate situations in which a proposed development could meet standards, but proposed roadway improvements included in the development could not meet standards because roadway improvements are located in the transition area.

### **33.430.175.C**

This standard is amended to eliminate the requirement that stormwater swales be planted with native vegetation. This change is necessary because native vegetation typically does not survive well in this application.

### **33.430.175.F**

This standard is added to improve consistency with the *General Development Standards* (33.340.140) and to ensure that the amendment to 33.430.175.B does not result in impacts to the resource area of the protection overlay zone.

~~C-D.~~ **All other resource enhancement projects.** The following standards apply to all other resource enhancement projects not addressed by subsections 170.A, ~~or B,~~ or C. All of the following standards must be met:

1.-5. [No change]

6. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:

a.-e. [No change]

d. Outside the combined flood hazard area:

- (1) Native trees more than 12 inches in diameter are not removed; and
- (2) Each 6 to 12-inch diameter native tree removed is replaced as shown in Table 430-3, Option A. Replacement trees and shrubs must comply with the planting standards of Subsection 33.430.140.K;

e. Within the combined flood hazard area:

- (1) Native and non-native non-nuisance trees more than 12 inches in diameter are not removed; and
- (2) Each 6 to 12-inch diameter native and non-native non-nuisance tree removed is replaced as shown in Table 430-3, Option A. Replacement trees and shrubs must comply with the planting standards of Subsection 33.430.140.K; and

7. [No change]

### **33.430.175 Standards for Right-of-Way Improvements**

The following standards apply to unimproved and partially improved rights-of-way. All of the standards must be met. New rights-of-way that are part of a proposed land division or planned development must be reviewed under the Standards for Land Divisions and Planned Developments in Section 33.430.160.

A.- [No change]

B. Within the resource area, ~~the~~ the proposed disturbance area for the right-of-way improvement must;

1.-3. [No change]

C. Planted areas, including except for stormwater swales, must be planted with native plants from the *Portland Plant List*. No nuisance species may be planted in stormwater swales;

D.-E. [No change]

F. The proposed right-of-way improvement is set back at least 5 feet from the resource area of any environmental protection zone;

---

---

## Commentary

### **33.430.185 Standards for Flood, Water, and Sewage Control Facilities**

This set of standards is amended to expand the scope, scale, and types of activities that are addressed. In addition to flood control structures, this section will also apply to sewage facilities. Expansions of disturbance areas and buildings that are allowed by the standards is being increased from 500 square feet to 3,000 square feet, the types of alterations that are allowed are being expanded, restrictions on work below the high-water mark are being removed, and tree removal will now be allowed within specified limits.

These changes are intended to facilitate a series of public infrastructure projects that are planned in the coming years. Because the projects will be upgrading existing facilities, a typical alternatives analysis, which requires review of alternative locations, is not likely to result in less impactful or more space efficient development, and any potential impact mitigation will likely be similar to the site enhancement options that are required by this section. Limits on tree removal will ensure that the most impactful projects will still be subject to Environmental Review.



### **33.430.185 Standards for ~~Certain Flood, and Water, and Sewage~~ Control Facilities**

The following standards apply to ~~minor improvements to certain~~ alterations to existing flood, ~~and water, and sewage conveyance~~ control facilities. For the purposes of this Section, an existing flood, ~~or water, or sewer conveyance~~ control facility is defined as existing pump stations, wet wells, electrical panels or pads, intake and outfall structures, flood gates, tide gates, weirs, gravity flow stations, relief wells, culverts, and trash racks that are owned or managed by the Urban Flood Safety and Water Quality District as defined in ORS 550, or by the City of Portland. ~~The minor improvements that these standards apply to are defined as the addition or modification of handrails, access paths, ADA ramps, safety vaults, fall protection posts or pads, or Sewer Level Remote Telemetry (SLRT).~~ All of the standards must be met.

- A. The disturbance area for the ~~minor improvement~~ alteration is not greater than ~~10 feet wide, not greater than 5003,000~~ square feet total, and is contiguous to the existing disturbance area for the flood, ~~or water, or sewer conveyance~~ control facility that is being altered;
- B. Temporary disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:
  - 1. Ten native shrubs for every 100 square feet of temporary disturbance area and a native grass and forb seed mix at a rate of 20 pounds per acre; or
  - 2. If on a levee, a native grass and forb seed mix at a rate of 50 pounds per acre or a grass seed mix approved by the US Army Corps of Engineers for use on levees at a rate of 50 pounds per acre.
- C. ~~The proposed disturbance area for the alteration must be located above the ordinary high water mark and~~ outside of wetlands;
- D. Trees listed on the Nuisance Plants List may be removed if each tree at least 6 inches in diameter is replaced with one tree meeting the standard of 33.430.140.K; ~~No trees more than 6 inches in diameter are removed with the exception of nuisance species trees. Nuisance species trees 6 inches in diameter or larger that are removed must be replaced with one tree meeting the standard of 33.430.140.K; and~~
- E. Removal of native trees and non-native non-nuisance trees is allowed as follows:
  - 1. Trees located within the disturbance area of the proposed alteration or within 10 feet of existing or proposed structures may be removed;
  - 2. The combined total diameter of native trees removed may not exceed 175 inches, counting only native trees that are at least 6 inches in diameter;
  - 3. Trees that are not listed as nuisance species in the Portland Plant List that are removed must be replaced as shown in Table 430-3. Trees less than 6 inches in diameter do not have to be replaced.
- ~~FE. At least one site enhancement option must be completed on the site. Applicants must show that one of the following is met:~~

---

---

## Commentary

### **33.430.185.F.2**

The site enhancement requirement is amended to allow for the utilization of resource enhancement projects that have been completed in advance with the expectation that they would be used for mitigation of projects. To be eligible to use this standard, projects must have been approved through an environmental review.

### **33.430.230.B.1**

This amendment adds pump stations to the list of activities that are processed through a Type II procedure.

### **33.430.250.A.1**

This amendment adds pump stations and flood control structures to the list of development activities subject to the approval criteria in 33.430.250.

1. ~~a~~An area equivalent in size to at least 100 percent of the proposed ~~permanent~~ disturbance area of the alteration will be enhanced following one or more of the options described in Table 430-2. If the proposed ~~permanent~~ disturbance area of the alteration is less than 100 square feet, the minimum required enhanced area must be 100 square feet. The site enhancement area must be located outside of the proposed permanent and temporary disturbance area.; or
2. A natural resource area that is at least equivalent in size to 100 percent of the proposed disturbance area has been restored, enhanced, or created on a site owned or managed by the City of Portland through an environmental review approved in the prior 3 years.

### **33.430.230 Procedure**

Environmental reviews are processed through the following procedures:

- A. [No change]
- B. The following are processed through the Type II procedure:
  1. Roads, driveways, walkways, stormwater disposal, pump stations, and buried connections to existing utility lines;
  - 2.-6. [No change]
- C. [No change]

### **33.430.250 Approval Criteria**

- A. **Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, pump stations, flood control structures, septic systems, land divisions, Property Line Adjustments, Replats, Planned Developments, and Planned Unit Developments.** Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:
  1. General criteria for public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, pump stations, flood control structures, septic systems, land divisions, Property Line Adjustments, replats, Planned Developments, and Planned Unit Developments:
    - a.-e. [No change]
  - 2.-4. [No change]
- B.-G. [No change]

---

---

## Commentary

### **33.430.430.B, D, E and F**

This amendment deletes requirements to post site plans on the PP&D website, contact neighborhood associations, and for PP&D staff to conduct site inspections. These existing contact requirements are largely duplicative of the neighborhood contact requirements in 33.705 that are generally required for all types of development. The 33.705 neighborhood contact requirements are triggered by provisions in the base zones when proposed development exceeds 10,000 square feet of building area. These contact requirements apply whether the development meets all standards and is approved through a zoning permit or if the development does not meet standards and is approved through an Environmental Review. The neighborhood contact requirements proposed for deletion are largely redundant for development that exceeds 10,000 square feet.

The neighborhood contact requirements that are being deleted were unusual because they only applied to development in Environmental overlays proposed to be approved through standards and they applied to all development, regardless of scale. This created a circumstance in which applicants for small scale (<10,000 square feet) development in ezones that met standards were required to provide notice to neighbors. But if a development proposal of the same scale was instead processed through an Environmental Review, no similar notice would be required.

## **Notice ~~and Review~~ Procedure**

### **33.430.410 Purpose**

The purpose of this notice ~~and review~~ procedure is to notify the public of the permit review process for development proposed in areas having identified significant resources and functional values.

### **33.430.420 When These Regulations Apply**

These regulations apply when a building permit or development permit application is requested within the resource area of the environmental conservation zone and is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C. These regulations do not apply to building permit or development permit applications for development that has been approved through environmental review.

### **33.430.430 Procedure**

Applications for building permits or development permits as specified in Section 33.430.420 will be processed according to the following procedures:

- A. Application.** The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.430.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.

**~~B. Notice of an application.~~**

- ~~1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of BDS will post a notice of the application on the BDS website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:~~

- ~~• A statement that a building or development permit has been applied for that is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C.~~
- ~~• The legal description and address of the site;~~
- ~~• A copy of the site plan;~~
- ~~• The place where information on the matter may be examined and a telephone number to call; and~~
- ~~• A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies.~~

~~The notice will remain on the website until the permit is issued and administrative decision is made, or until the application is withdrawn.~~

- ~~2. E-mailed notice to recognized neighborhood associations. At the time a notice is posted on the BDS website, the Director of BDS will e-mail information about the internet posting to all recognized neighborhood associations and neighborhood coalition offices within 400 feet of the site. When an e-mail address is not available, the notice will be mailed to the neighborhood association and coalition office.~~

---

---

## Commentary

### **33.430.430.C.1**

Subsubsection 33.430.430.C.1 is redesignated as subsection 33.430.430.B.

### **33.430.430.C.2**

Subsubsection 33.430.430.C.2, which requires applicants to mark development area, trees, and restoration areas on the site, is being moved to section 33.430.130 Permit Application Requirements. The move is being made because subsection 33.430.430.D Site Inspection is being deleted. Moving subsection 33.430.430.C.2 to permit application requirements and adding the requirement that applicants submit photos of the fencing and taping allows PP&D staff to verify that applicants are complying with the requirement without needing to do a site inspection.

### **33.430.430.D**

The requirement that PP&D staff conduct a site inspection is being deleted. This change is being made because staff already conduct numerous inspections for various reasons to verify compliance with permits. This specific site inspection requirement is largely superfluous because it typically does not result in changes to development plans or identification of deficiencies that would need to be addressed through environmental review.

~~**C. Posting the site and marking development.** The applicant must post notice information on the site and identify disturbance areas as specified below.~~

~~**B.1. Posting notice on the site.** The applicant must place a public notice about the request on the site when the application is deemed complete by the Bureau of Development ServicesPortland Permitting & Development. A posted notice must be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. The posted notice will contain the same information as the notice posted on the internet.~~

~~2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material.~~

~~**D. Site Inspection.** A BDS inspector will inspect the site prior to issuance of the permit and will provide the Director of BDS with one of the following:~~

- ~~1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or~~
- ~~2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through environmental review as described in Sections 33.430.210 through 33.430.280.~~

~~**E. Comments.** Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.~~

~~**F. Response to comments.** If a comment is received, the Director of BDS will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.430.140 through .190. The Director of BDS will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.~~

---

---

## Commentary

### **33.465.130.B.6**

This section, which requires applicants to mark disturbance areas, tree removals, and remediation areas is moved from 33.465.430. In addition to the relocation of this section, it is also being modified to add a requirement to submit photographs of the fencing and tape. This change is being made because site inspections that were previously required in 33.465.430 are being eliminated.

### **33.465.430.B, E and F**

This amendment deletes requirements to post site plans on the PP&D website, contact neighborhood associations, and for PP&D staff to conduct site inspections. These existing contact requirements are largely duplicative of the neighborhood contact requirements in 33.705 that are generally required for all types of development. The 33.705 neighborhood contact requirements are triggered by provisions in the base zones when proposed development exceeds 10,000 square feet of building area. These contact requirements apply whether the development meets all standards and is approved through a zoning permit or if the development does not meet standards and is approved through an Environmental Review. The neighborhood contact requirements proposed for deletion are largely redundant for development that exceeds 10,000 square feet. Further, these contact requirements served little purpose because they only applied to development that meets standards, and there is no discretion in the development standards. The deleted sections were written in a way that implied that an appeal from an outside party could alter the approval process, when in fact such a change was not possible.



## 33.465 Pleasant Valley Natural Resources Overlay Zone

465

### 33.465.130 Permit Application Requirements

A building permit or development permit application that is reviewed for compliance with the standards of this chapter requires more information than a permit not affected by these provisions. The information in Subsections A. through C. must be submitted with permit application plans. Submission of the information in Subsection D. is optional.

- A [No change]
- B. Proposed development plan including:
  - 1.-5. [No change]
  - 6. Marking proposed development on site. The applicant will mark all trees over six inches in diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material. Photographs that clearly depict the location of fencing and tape must be included in permit application materials.
- C. [No change]
- D. Additional ~~P~~photographs of the site are not required but are encouraged to supplement the existing conditions site plan.

### **Notice and Review Procedure**

#### 33.465.410 Purpose

The purpose of this notice and review procedure is to provide for participation by the applicant and the public in the process of permitting development in areas having identified significant resources and functional values.

#### 33.465.420 When These Regulations Apply

These regulations apply when a building permit or development permit application is requested within the resource area of the Pleasant Valley Natural Resources overlay zone and is subject to the development standards of Section 33.465.110 through .180. These regulations do not apply to building permit or development permit applications for development that has been approved through Pleasant Valley resource review.

#### 33.465.430 Procedure

Applications for building permits or development permits that qualify under 33.465.420 will be processed according to the following procedures:

---

---

## Commentary

### **33.465.430.B**

This subsection is being deleted because notifications posted on the PP&D website of development that meets 33.465 standards typically does not result in meaningful engagement or feedback from neighborhood associations or members of the public. Because development standards are not discretionary, public feedback on development that meets standards cannot influence or change the approval process.

Subsubsection 33.465.430.C.1 is redesignated as subsection 33.465.430.B.

### **33.430.430.C.2**

Subsubsection 33.430.430.C.2, which requires applicants to mark development area, trees, and restoration areas on the site, is being moved to section 33.430.130 Permit Application Requirements. The move is being made because subsection 33.430.430.D Site Inspection is being deleted. Moving subsection 33.430.430.C.2 to permit application requirements and adding the requirement that applicants submit photos of the fencing and taping allows PP&D staff to verify that applicants are complying with the requirement without needing to do a site inspection.

- A. Application.** The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.465.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.

**~~B. Notice of an application.~~**

- ~~1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of PP&D will post a notice of the application on the PP&D website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:~~
  - ~~a. A statement that a building or development permit has been applied for that is subject to the development standards of Section 33.465.110 through .180.~~
  - ~~b. The legal description and address of the site;~~
  - ~~c. A copy of the site plan;~~
  - ~~d. The place where information on the matter may be examined and a telephone number to call;~~
  - ~~e. A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies; and~~
  - ~~f. The notice will remain on the website until the permit is issued and administrative decision is made, or until the application is withdrawn.~~
- ~~2. E-mailed notice to recognized neighborhood associations. At the time a notice is posted on the PP&D website, the Director of PP&D will e-mail information about the internet posting to all recognized neighborhood associations and neighborhood coalition offices within 400 feet of the site. When an e-mail address is not available, the notice will be mailed to the neighborhood association and coalition office.~~

- ~~C. Posting the site and marking development.~~** The applicant must post notice information on the site and identify disturbance areas as specified below.

- B.1. Posting notice on the site.** The applicant must place a public notice about the request on the site when the application is deemed complete by Portland Permitting & Development. A posted notice must be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access. ~~The posted notice will contain the same information as the notice posted on the internet.~~

- ~~2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material area to be planted must be identified with high visibility tape or similar high visibility material.~~

---

---

## Commentary

### **33.465.430.D**

The requirement that PP&D staff conduct a site inspection is being deleted. This change is being made because staff already conduct numerous inspections for various reasons to verify compliance with permits. This specific site inspection requirement is largely superfluous because it typically does not result in changes to development plans or identification of deficiencies that would need to be addressed through environmental review.

### **33.465.430.E**

This subsection is being deleted because standards are non-discretionary and public comment regarding development that meets standards cannot impact or alter the approval process.

### **33.465.430.F**

This subsection is being deleted because the section on public comments is being deleted, and no meaningful response to comments can be made other than reaffirmation that development meets standards.

- D. ~~Site inspection.~~** A PP&D inspector will inspect the site prior to issuance of the permit and will complete one of the following:
1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or
  2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through Pleasant Valley resource review as described in Sections 33.465.210 through 33.465.280.
- E. ~~Comments.~~** Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.
- F. ~~Response to comments.~~** If a comment is received, the Director of PP&D will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.465.150 through .180. The Director of PP&D will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

---

---

## Commentary

### **33.475.405.D**

This exemption is being amended to exclude the replacement of structures in the combined flood hazard area. This change is being made to comply with directives of the 2016 NOAA Fisheries Biological Opinion on the FEMA National Flood Insurance Program.

### **33.475.405.L.3**

The Bureau of Environmental Services and Portland Parks & Recreation both have a process to allow groups and individuals to conduct traditional cultural practices involving the harvesting of native vegetation on City owned land. Parties that are eligible to use this exemption will receive written authorization that has been issued by either the Bureau of Environmental Services or Portland Parks & Recreation. This amendment acknowledges those approved activities and ensures that, when allowed, they are exempt from the regulations of the environmental overlay zones.

### **33.475.405.W**

This amendment adds an exemption that will allow for the installation of devices that limit the negative impacts of beavers on infrastructure and property without the need to remove beavers from the environment. Flow control devices, pond levelers, and other habitat modification techniques are humane options for coexistence with beavers, allowing the environmental benefits that beavers provide while avoiding damage. Because these devices are typically installed within the banks of waterbodies, they cannot meet standards. Without an exemption, habitat modifications would be subject to environmental review. The requirement for environmental review might discourage property owners from using these methods, which could contribute to negative impacts to infrastructure and property. The BES Beaver Management Plan can be accessed at the following URL: <https://www.portland.gov/bes/documents/city-portland-beaver-management-plan-best-management-practices/download>

## 33.475 River Overlay Zones

475

### 33.475.405 Items Exempt From These Regulations

The following items are exempt from the River Environmental overlay zone regulations:

A.-C. [No change]

D. Operation, maintenance, alterations, repair, and replacement of existing structures, exterior improvements, irrigation systems, stormwater facilities, non-potable water systems, roads, utilities, public trails and paths, public viewpoints, public interpretive facilities, and erosion control measures. Alterations, repair and replacement is not exempt as follows:

1. Alterations, repair, and replacement whenever total square footage, building coverage or utility size is increased;
2. Replacement is not exempt within the combined flood hazard area;
3. Replacement of an existing floating boat dock structure located in a residential zone;  
and
4. ~~a~~Alteration or repair of more than 50 percent of the combined constituent systems of an existing floating boat dock structure located in a residential zone is not exempt.

E.-K. [No change]

L. Removal or pruning of vegetation as follows:

- 1.-2. [No change]
3. Removal of non-tree vegetation when conducted by members of groups or organizations that have a written vegetation harvesting agreement that has been issued by the City of Portland.

M.-V. [No change]

W. Vegetation maintenance and habitat modification methods as described in the Bureau of Environmental Services Beaver Management Plan. All installation and maintenance must be carried out using handheld equipment.

### 33.475.440 Development Standards

Unless exempted by 33.475.405., the standards in this Section apply to development, exterior alterations, and land divisions in the River Environmental overlay zone. All of the applicable standards must be met. Proposals that do not meet all the standards within each relevant section require approval through River Review.

A.-J. [No change]

K. **Standards for removal or pruning of vegetation.** The following standards apply to the removal or pruning of vegetation:

- 1.-3. [No change]

---

---

## Commentary

### **33.475.440.K.4.b**

This amendment narrows the requirement to retain large diameter wood within the River Environmental Overlay when dead, dying, and dangerous trees are removed. Now sites that contain less than 3,000 square feet of River Environmental Overlay will not be subject to the wood retention requirement. This change is made because smaller sites may not have adequate space to meet the requirements.

### **33.475.440.O.4.b**

This amendment allows required front and street setbacks for accessory dwelling units to be reduced. Reducing setbacks allows development to minimize impacts to natural resources without the need for an adjustment review. Existing code already allows building setbacks to be reduced on front and street setbacks. This change will now allow accessory dwelling units to utilize the same setback allowance.



4. Vegetation that is removed or pruned is limited to the following:
  - a. Vegetation listed on the *Nuisance Plant List*;
  - b. Dead, dying or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or certified arborist. On sites in which the area of the River Environmental overlay zone is greater than or equal to 3,000 square feet, All sections of wood more than 12 inches in diameter must be placed in the River Environmental overlay zone of the ownership within which the wood was cut unless the City Forester authorizes the removal because the wood is diseased and will threaten the health of other trees;
  - c.-e.
  - e. [No change]

5.-6. [No change]

**L.-N.** [No change]

**O. Standards for all residential structure types.** The following standards apply to all residential structure types.

1.-3. [No change]

4. Minimum setbacks may be reduced as follows:
  - a. The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to any distance between the base zone minimum and zero;
  - b. The minimum detached and connected accessory dwelling unit setback of 33.205.040.C.2 may be reduced to any distance between the minimum and zero; and
  - c. Parking spaces may be allowed within the first 10 feet from a front lot line, and within a minimum side street setback;

**P.-R.** [No change]

# Contact

Daniel Soebbing

City Planner II, Project Manager | Portland Bureau of Planning & Sustainability

[ezone@portlandoregon.gov](mailto:ezone@portlandoregon.gov)

## About City of Portland Bureau of Planning and Sustainability

The Bureau of Planning and Sustainability (BPS) develops creative and practical solutions to enhance Portland's livability, preserve distinctive places, and plan for a resilient future.



THE BUREAU OF **PLANNING  
& SUSTAINABILITY**

<http://portland.gov/bps>

503-823-7700

[bps@portlandoregon.gov](mailto:bps@portlandoregon.gov)